

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

ZIUB JAN 19 A 9:31 United States District Court		District MIDDLE
Name (under which you were convicted): JOHN WILLIE MINNIFIELD		Docket or Case No.: 2:06cv 54-WKW
Place of Confinement: BULLOCK CO. CORRECTIONAL FACILITY	Prisoner No.: 112145	
Petitioner (include the name under which you were convicted) JOHN WILLIE MINNIFIELD	Respondent (authorized person having custody of petitioner) v. WARDEN, ARNOLD HOLT ET, AL.	
The Attorney General of the State of HON: TROY KING		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: _____
MONTGOMERY COUNTY CIRCUIT COURT 251 S. LAWRENCE STREET MONTGOMERY, AL.

(b) Criminal docket or case number (if you know): 10TH DAY OF FEBRUARY, 2000

2. (a) Date of the judgment of conviction (if you know): _____
(b) Date of sentencing: _____
3. Length of sentence: 20 YEARS
4. In this case, were you convicted on more than one count or of more than one crime? Yes No
5. Identify all crimes of which you were convicted and sentenced in this case: STALKING OF WIFE

6. (a) What was your plea? (Check one)
(1) Not guilty (3) Nolo contendere (no contest)
(2) Guilty (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? STALKING OF WIFE WHOM WAS SEPERATED 2 MONTHS.

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No

9. If you did appeal, answer the following:

(a) Name of court: COURT OF CRIMINAL APPEALS

(b) Docket or case number (if you know): _____

(c) Result: _____ AFFIRMED

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: THAT WIFE LIED TO GET ME BACK IN PRISON BECAUSE OF HER INFIDELITY DRUG USE AND STALING TO SUPPORT HER DRUG HABITS. ON THE DAY OR TIME SHE CLAIMED STALKING SHE WAS MORE THAN 5 MILES AWAY D.A. KNEW THERE WAS NO CRIME COMMITTED ON HER.

(g) Did you seek further review by a higher state court? Yes No

If yes, answer the following:

(1) Name of court: _____ SUPREME COURT OF ALABAMA

(2) Docket or case number (if you know): _____

(3) Result: _____ DENIED NO OPINION

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____ SAME AS ABOVE

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes No
If yes, answer the following:
(1) Docket or case number (if you know): _____
(2) Result: _____

(3) Date of result (if you know): _____
(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: MONTGOMERY COUNTY CIRCUIT COURT
(2) Docket or case number (if you know): _____
(3) Date of filing (if you know): _____
(4) Nature of the proceeding: ACTUAL INNOCENCE
(5) Grounds raised: VIOLATION OF CONSTITUTIONAL RIGHTS STATE AND FEDERAL PROSECUTIONAL MISCONDUCT DISCRIMINATION INCOMPETENT TRANSCRIPT NO CRIME WAS COMMITTED INEFFECTIVE ASSISTANCE OF PRETRIAL COUNSEL AND APPELLANT COUNSEL COURT WITHHOLDING WRIT OF HABEAS CORPUS OVER 2 YEARS WOULD NOT ANSWER ANY LETTER WRITTEN CAUSE ME TO FILE RULE 32 AFFIRMED.

_____</

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: DENIED

(8) Date of result (if you know): DENIED WITHOUT PREJUDICE

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: UNITED STATE DISTRICT COURT M.D.

(2) Docket or case number (if you know): CA. NO-03-T-975-N

(3) Date of filing (if you know): 10TH DAY OF DECEMBER, 2003

(4) Nature of the proceeding: 2254 WRIT OF HABEAS CORPUS

(5) Grounds raised: ACTUAL INNOCENT VIOLATION OF 1ST, 6TH, 8TH AND 14TH AMENDMENTS. CONSPIRACY INCOMPETENT TRANSCRIPT.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes No

(2) Second petition: Yes No

(3) Third petition: Yes No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: CHARGED STALKING WHERE NO STALKING EXISTED

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): MY WIFE AND I WAS SEPERATED OCT. 10TH 1998 THIS ACT SUPPOSELY HAPPEN ON NOV. 29TH 1998 WHEREAS SHE WAS NOT EVEN AT THE PLACE WHERE THE ACT SUPPOSELY TAKEN PLACE. THIS THING WAS AN ACT OF MY WIFE TO GET ME OUT OF THE STREET DUE TO MY PAST RECORD BECAUSE I WOULD NOT PUT UP WITH HER CHEATING AND DRUG HABITS.

(b) If you did not exhaust your state remedies on Ground One, explain why: THEY WERE RAISED.

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: COUNSEL FAIL TO RAISE ANY ISSUE OTHER THAN LESSER INCLUDED OFFENSE.

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: WRIT OF HABEAS CORPUS

Name and location of the court where the motion or petition was filed: MONTGOMERY COUNTY CIRCUIT COURT.

Docket or case number (if you know): _____

Date of the court's decision: _____ 2004

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: MONTGOMERY CO. CIR. CT.

ALA. COURT OF CRIMINAL APP.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: ALL OF THEM STATE HIGHEST COURTS

GROUND TWO: THERE WAS NO STALKING.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): THIS INCIDENT WAS SUPPOSE TO HAPPEN AT 770 WASHINGTON AVE. BETWEEN 7:15 AND 7:30 AM THE WIFE LIVED 5 MILES FROM THIS LOCATION AND WAS PROBABLY IN BED AT THAT HOUR SHE NEVER GET TO WORK BEFORE 8:30 OR 9:00 AM THERE WAS NO THREAT OR FOLLOWING HER OR DIRECT CONTACT NO CALLING HER HOME OR JOB, WHERE WAS THE STALKING? I ALSO WORKED THERE.

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: RULE 32

Name and location of the court where the motion or petition was filed: MONTGOMERY CO. CIR. COURT

Docket or case number (if you know): CC NO 99-327.61

Date of the court's decision: JULY 8TH 2005

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: COURT OF CRIMINAL APPEALS

Docket or case number (if you know): CR-04-11-01

Date of the court's decision: JULY 8TH 2005

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two:

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): THIS COURT DENIED WITHOUT PREJUDICE TO ALLOW ME TIME TO FILE WRIT OF MANDAMUS FOR UNTIMELY APPEAL WHICH WAS DENIED ALA. CRIM. APP. COURT IT IS CLEAR THE STATE COURT IS NOT GOING TO AFFORD ME DUE PROCESS OR ANY RELIEF.

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: SUPREME COURT OF ALABAMA

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: WRIT OF CERTIORARI

Name and location of the court where the motion or petition was filed: MONTGOMERY COUNTY ALABAMA HIGHEST COURT.

Docket or case number (if you know): 1041698

Date of the court's decision: SEPTEMBER 9TH 2005

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: SUPREME COURT OF ALABAMA

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: WRIT OF MANDAMUS APPEAL DENIED

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes No

(4) Did you appeal from the denial of your motion or petition?

Yes No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: MANDAMUS FOR UNTIMELY APPEAL FROM JUDGE PRICE ORDER OF 2002 ON DIRECTION OF THIS COURT HON: SUSSAN RUSS WALKER WHICH WAS DENIED BY ESQUIRE J. PRUDE AND THE HIGHER COURT WHICH IS DENYING DUE PROCESS.

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.2254 HABEAS CORPUS SEE HON: SUSAN RUSS WALKER THE RECORD FROM ESQUIRE J. PRUDE ALLEGATIONS AND TRANSCRIPT THAT WAS SWORN TO BE COMPETENT BY BOTH REPORTERS WHOM DOCKET THE ENTIRE TRIAL ON APPEAL THEY WAS INCOMPETENT TO MISLEAD THE APPEAL COURT.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. _____

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____ NONE

(b) At arraignment and plea: _____ NONE

(c) At trial: _____ PRO-SE

(d) At sentencing: _____ PRO-SE

(e) On appeal: ESQUIRE JOSEPH BURHART PH: 262-4800-472 S. LAWRENCE STREET STE. 206
MONTGOMERY, AL 36104

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

THIS COURT AN ATTORNEY GENERAL HAS ACKNOWLEDGE THAT THIS CASE DO NOT FALL OUTSIDE THE ANTITERRORIST DEATH PENALTY THROUGH NO FAULT OF MINES THEREFORE NOT PERCLUDED FROM REVIEW BY THIS COURT MR. PRUDE STATED I HAVE NOT EXHAUSTED ALL MY OPINION THROUGH THE STATE, YET HE BRIEF THE HIGHER STATE COURT AS STATUTE OF LIMITATION AND SUCCESSIVE PETITION WHEREAS IT IS PLAIN THAT THE STATE COURTS IS IN VIOLATION OF MY CONSTITUTIONAL RIGHTS FEDERAL AND STATE AND REFUSED TO CORRECT A CONSTITUTIONAL RIGHTS OR PRODUCE WITNESS IN AN EVIDENTIARY HEARING SO I WILL BE ABLE TO SUBPOENA THE WITNESS THAT THE COURT DEPRIVED ME OF DURING TRIAL OR I CAN PRODUCE AT A HEARING THE STATE USED ONLY HEARSAY EVIDENCE AT TRIAL THAT THEY KNOWINGLY AND INTENTIONALLY LIED ON THE STAND AND THAT MY WIFE GOTTNEN A KID TO LIE ON ME WHILE ON BAIL WHICH COURT REVOKED THEN SUBPOENA THE KID WHICH TOLD THE TRUTH I WAS RELEASED 3 MONTHS LATER SHE DID THE SAME HAD ME REARRESTED WITHOUT WITNESS WHICH SHE LIED ABOUT D.A. ISSUED ARREST WARRENT.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of —
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief: GRANT EVIDENTIARY HEARING AFTER THE HEARING THIS COURT WILL SEE I WAS FALSELY IMPRISON OR THE STATE COURT TO RELEASE ME.

or any other relief to which petitioner may be entitled.

Pro-Sec

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 1-4-06

(month, date, year):

Executed (signed) on 1-3-06 (date).

John Willie Minifield #112145

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

* * * * *